IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 15926 OF 2006

DATE OF DECISION: OCTOBER 28, 2006

Parties Name

Harjit Kaur

..PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. B.S. Bali,
Advocate, for the petitioner.

Mr. P.S.Chhina, Addl. A.G., Punjab;

JASBIR SINGH, J. (oral)

Order.

This writ petition has been filed with a prayer to quash the order dated April 28, 2006, (Annexure P-2), vide which petitioner was removed from the post of Sarpanch. Further challenge is to the order dated September 6, 2006 (Annexure P-1), vide which appeal, filed by the petitioner, was dismissed.

It was allegation against the petitioner that despite having passed the resolution, he has failed to dig up two tubewells in the land, which was given on lease to four residents of the village. It is apparent from the record that decision to install tubewell, to irrigate the barren land, was taken up by the Gram Panchayat, in a meeting, after passing a resolution. Counsel for the petitioner states that as two of the lessees failed to deposit the requisite money, amount recovered from other two lessees

was not sufficient to dig up even one tubewell. Under these circumstances, Panchayat was not in a position to install the tubewells, as promised. Regarding two lessees, who have failed to deposit the amount by passing a resolution, their security amount was forfeited and letter was written to the higher authorities to recover the amount from them.

By stating above mentioned facts, counsel states that no fault lies with the petitioner. It was decision of the Gram Panchayat and not of the petitioner to install the tubewell. As sufficient money was not available, tubewells were not installed. For such a lapse, the petitioner cannot be blamed. We feel that the argument raised is perfectly justified. This fact has totally been ignored by the authorities below. In view of this, we are of the opinion that the orders under challenge deserve to be set aside. Consequently, the writ petition is allowed and the orders under challenge are quashed. The petitioner – Sarpanch is directed to initiate action against the defaulters, as per law.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

October 28, 2006.
DKC